

REMARKS

**Restriction Requirement**

Restriction has been required by the Examiner under 35 U.S.C. 121 and 372. More specifically, the Examiner has required election in the present application between:

Group I, claims 1-3, drawn to DNA enzymes comprising a nucleotide residue modified with azobenzene, spiropyran or stilbene; and

Group II, claims 4-7, drawn to methods of controlling the activity of a DNA enzyme which use the compounds of group I.


For the purposes of examination of the present application, Applicants elect, without traverse, Group I, claims 1-3, drawn to DNA enzymes comprising a nucleotide residue modified with azobenzene, spiropyran or stilbene. Rejoinder of the process claims are respectfully requested upon allowance of the invention of Group I.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Marc S. Weiner, Registration No. 32,181 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: September 11, 2009

Respectfully submitted,

By 

Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant